

**IN THE CLAIMS:**

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~strikethrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please CANCEL claims 2-3, 8, 11, 39-47, 49-54, 56, and 60 and AMEND claims 1, 4-5, 7, 9, 12-17, 28-32, 48, 55, and 57-59 and ADD new claims 61-62 in accordance with the following:

1. (CURRENTLY AMENDED) A method of recording data on a recording medium, the method comprising:

selecting a defect management mode selectable between a defect management on mode and a defect management off mode ~~so that the selected mode indicates whether defect management is to be performed on the recording medium;~~

allocating a spare area to be used for replacing a defective block, in a data area according to the selected defect management mode;

recording a temporary disc definition structure comprising information on a size of the allocated spare area and an empty temporary defect list in a temporary defect management area;

recording the data on the recording medium while performing defect management is performed on the recording medium, when if the defect management on-mode is selected; and

recording the data on the recording medium without defect management, if when the defect management off mode is selected.

2-3. (CANCELLED)

4. (CURRENTLY AMENDED) The method of claim-3~~1~~, wherein the recording of the data in the defect management on mode further comprises:

changing a size of the spare area; and

updating the temporary disc definition structure ~~defect management information to~~

include information on the changed size of the spare area and recording the updated temporary defect management information in the temporary disc definition structure defect management area.

5. (CURRENTLY AMENDED) The method of claim 31, wherein the recording of the data in the defect management on mode further comprises converting the defect management on mode into the defect management off mode.

6. (ORIGINAL) The method of claim 5, wherein the conversion into the defect management off mode comprises:

- reinitializing the recording medium to be in the defect management off mode; and
- recording the data on the recording medium without defect management after the recording medium is reinitialized in the defect management off mode.

7. (CURRENTLY AMENDED) The method of claim 6, wherein the reinitialization to the defect management off mode comprises:

- recording an identifier indicating the defect management off mode in the temporary defect management area; and
- recording the temporary disc definition structure defect management information that was finally updated in the temporary defect management area in a defect management area of the recording medium.

8. (CANCELLED)

9. (CURRENTLY AMENDED) The method of claim 81, further comprising finalizing the recording medium, and wherein the finalization of the recording medium comprises:

- recording a finalization flag indicating the finalization of the recording medium in the temporary defect management area;
- recording temporary defect management information including recording finally updated temporary disc definition structure and temporary defect list information on the defect and defect management information of the temporary defect management area in a defect management area of the recording medium; and
- filling with predetermined data a remaining area of the temporary defect management

area where no data is recorded.

10. (ORIGINAL) The method of claim 1, wherein recording of the data in the defect management off mode comprises:

recording the data in a data area of the recording medium in predetermined operation units; and

updating recording management information according to the recording of the data in a temporary defect management area of the recording medium.

11. (CANCELLED)

12. (CURRENTLY AMENDED) The method of claim 14, further comprising finalizing the recording medium, and wherein the finalization of the recording medium comprises:

recording a finalization flag, which indicates the recording medium is finalized, in the temporary defect management area;

recording recording management information that is finally updated in the temporary defect management area in a defect management area of the recording medium; and

filling with predetermined data a remaining area of the temporary defect management area where no data is recorded.

13. (CURRENTLY AMENDED) A method of reproducing data recorded on a recording medium having a lead-in area, and a data area, and a lead-out area consecutively arranged, the method comprising:

reading a temporary disc definition structure and a temporary defect list, from a temporary defect management area in the lead-in area; and

reading user data from the data area using the temporary defect list;

wherein the temporary disc definition structure comprises information on a size of a spare area, and the size of the spare area is determined according to a defect management mode which is selected between a defect management on mode in which defect management is performed and a defect management off mode in which defect management is not performed during initialization of the recording medium

reading defect management on/off mode information, which indicate whether defect management is performed on the recording medium, from a temporary defect management area

~~in the lead-in area or the lead-out area, and which is used to update information on a defect generated in the data area and defect management information for management of the defect for every predetermined operations; and~~

~~reading data recorded in the data area based on the read defect management on/off mode information.~~

14. (CURRENTLY AMENDED) The method of claim 13, further comprising reading finally updated ~~information on the defect-~~ temporary defect list and finally updated temporary disc definition structure ~~defect management information from the temporary defect management area, if the read defect management on/off-mode information is a defect management on mode.~~

15. (CURRENTLY AMENDED) The method of claim 14, further comprising:  
reading a finalization flag, which indicates the recording medium is finalized, from the temporary defect management area; and

reading the finally updated ~~information on the defect-~~ temporary defect list and the finally updated ~~defect management information-~~ temporary disc definition structure from a defect management area of the recording medium.

16. (CURRENTLY AMENDED) The method of claim 13, further comprising reading final recording management information from the temporary defect management area, if the read defect management ~~on/off-mode~~ information is a defect management off mode.

17. (CURRENTLY AMENDED) The method of claim 16, further comprising:  
reading the finalization flag, which indicates the recording medium is finalized, from the temporary defect management area; and

reading the finally updated temporary defect list ~~information on the defect-~~ and the finally updated temporary disc definition structure ~~defect management information from a defect management area of the recording medium.~~

18-27. (CANCELLED)

28. (CURRENTLY AMENDED) An apparatus for ~~recording and/or-reproducing data recorded on-~~ from a recording medium where a lead-in area, and a data area, ~~and a lead-out~~

area are consecutively arranged, the apparatus comprising:

a reading unit, which transfers data with respect to the recording medium; and

a control unit, which controls the reading unit

to read a temporary disc definition structure and a temporary defect list, from a temporary defect management area in the lead-in area; and

to read user data from the data area using the temporary defect list;

wherein the temporary disc definition structure comprises information on a size of a spare area, and the size of the spare area is determined according to a defect management mode which is selected between a defect management on mode in which defect management is performed and a defect management off mode in which defect management is not performed during initialization of the recording medium

to read defect management on/off mode information, where the mode selectively indicates one of whether defect management has been performed on the recording medium and whether defect management has not been performed, from a temporary defect management area provided in the lead-in area or the lead-out area so as to update information on a defect generated in the data area and defect management information used for management of a defect for each of a plurality of predetermined operations, and controls the reading unit to read data recorded in the data area based on the read defect management on/off mode information.

29. (CURRENTLY AMENDED) The apparatus of claim 28, wherein the control unit further controls the reading unit to read finally updated temporary defect list information on the defect and finally updated temporary disc definition structure defect management information from the temporary defect management area, if the read defect management on/off mode information is a defect management on mode.

30. (CURRENTLY AMENDED) The apparatus of claim 29, wherein the control unit controls the reading unit to read a finalization flag, which indicates the recording medium was finalized, from the temporary defect management area, and to read the finally updated temporary defect list information on the defect and the finally updated temporary disc definition structure defect management information from a defect management area of the recording medium.

31. (CURRENTLY AMENDED) The apparatus of claim 28, wherein the control unit

controls the reading unit to read final recording management information from the temporary defect management area, if the read defect management ~~on/off-mode information~~ is a defect management off mode.

32. (CURRENTLY AMENDED) The apparatus of claim 31, wherein the control unit controls the reading unit to read a finalization flag, which indicates the recording medium was finalized, from the temporary defect management area, and to read the finally updated temporary defect list information on the defect and the finally updated temporary disc definition structure ~~defect management information~~ from a defect management area of the recording medium.

33-38. (CANCELLED)

39-47. (CANCELLED)

48. (CURRENTLY AMENDED) An apparatus for recording and/or reproducing data with respect to a recording medium, the apparatus comprising:

- a transfer unit that transfers the data with respect to the recording medium; and
- a control unit that

- selects a defect management mode selectable between a defect management on mode and a defect management off mode;

- allocates a spare area to be used for replacing a defective block, in a data area according to the selected defect management mode;

- controls the transfer unit to record a temporary disc definition structure comprising information on a size of the allocated spare area and an empty temporary defect list in a temporary defect management area;

- controls the transfer unit to record the data on the recording medium while performing defect management, when the defect management on mode is selected; and

- controls the transfer unit to record the data on the recording medium without defect management, when the defect management off mode is selected.

- ~~detects a defect management mode selectable between a defect management on mode, in which defect management is performed to manage defects on the recording medium, and a defect management off mode, in which defect management is not performed to manage defects~~

on the recording medium, and controls the data transfer unit to transfer the data according to the selected defect management mode.

49-54. (CANCELLED)

55. (CURRENTLY AMENDED) A recording medium for use with a recording and/or reproducing apparatus, comprising:

a data area with respect to which data is to be recorded on the recording medium, and

a temporary defect management area comprising a temporary disc definition structure comprising information on a size of spare area and an empty temporary defect list,

~~a defect management area including defect mode information wherein the size of the spare area is determined according to a defect management mode~~ selectable between a defect management on mode, in which defect management is performed to manage defects on the recording medium, and a defect management off mode, in which defect management is not performed to manage defects on the recording medium,

~~wherein the apparatus transfers the data to the data area according to the one of the defect management on and off modes selected in the defect mode information.~~

56. (CANCELLED)

57. (CURRENTLY AMENDED) The recording medium of claim ~~56~~55, wherein:  
the temporary defect management area further comprises finalization information which indicates whether the recording medium has been finalized, and

~~if the finalization information indicates to the apparatus that the recording medium has not been finalized and the defect mode information indicates to the apparatus the selection of the defect management off mode, the final defect management area is filled in to prevent the apparatus from writing the final defect information and the final management information in the final defect management area.~~

58. (CURRENTLY AMENDED) The recording medium of claim ~~56~~57, wherein, if the finalization information indicates to the apparatus that the recording medium has not been finalized and the defect management mode ~~information~~ indicates to the apparatus the selection

to the defect management off mode, ~~the final-a~~ defect management area includes a last recorded temporary defect ~~list~~information and a last recorded temporary disc definition structure ~~defect management information~~ which was recorded in the temporary defect management area prior to the selection of the defect management off mode.

59. (CURRENTLY AMENDED) The recording medium of claim-~~56~~57, wherein, if the finalization information indicates to the apparatus that the recording medium has not been finalized and the defect management mode information indicates to the apparatus the selection to the defect management off mode, ~~the final-a~~ defect management area includes no temporary defect ~~information-list~~ and no temporary disc definition structure ~~defect management information~~.

60. (CANCELLED)

61. (NEW) A method for recording data on an optical recording medium comprising a lead-in area, a data area, a lead-out area, a temporary defect management area to store temporary defect information on a defect detected in the data area and a temporary disc definition structure for managing the temporary defect information and a defect management area to store final temporary defect information and final temporary disc definition structure recorded in the temporary defect management area during a finalization of the optical recording medium, the method comprising:

selecting a defect management mode selectable between a defect management on mode in which defect management is performed and a defect management off mode in which defect management is not performed; and

recording the temporary disc definition structure comprising information on a size of a spare area allocated in the data area after the defect management mode is selected, on the temporary defect management area arranged in the lead-in area or the lead-out area.

62. (NEW) A method for reproducing data from an optical recording medium comprising a lead-in area, a data area, a lead-out area, a temporary defect management area to store temporary defect information on a defect detected in the data area and a temporary disc definition structure for managing the temporary defect information and a defect management area to store final temporary defect information and final temporary disc definition structure recorded in the temporary defect management area during a finalization of the optical recording



medium, the method comprising:

reproducing the temporary disc definition structure comprising information on a size of a spare area allocated in the data area after a defect management mode is selected, from the temporary defect management area arranged in the lead-in area or the lead-out area,

wherein the defect management mode is selectable between a defect management on mode in which defect management is performed and a defect management off mode in which defect management is not performed.